

GJ#8

GDJ/MWW: DEC.2000

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
JAN 15 1998
FBI
BIRMINGHAM
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UNITED STATES OF AMERICA

v.

ERIC ROBERT RUDOLPH

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CR-00-N-0422-S

INDICTMENT

COUNT ONE: [(18 U.S.C. § 844(i)]

The Grand Jury charges:

That on or about the 29th day of January, 1998, within the Northern District of Alabama, the defendant,

ERIC ROBERT RUDOLPH,

did maliciously damage, by means of an explosive, a building and property used in an activity affecting interstate and foreign commerce, namely the New Woman All Women Health Care Clinic located at 1001 17th Street South in Birmingham, Alabama, which prohibited conduct resulted in the death of Robert D. Sanderson and personal injury to Emily Lyons, in violation of Title 18, United States Code, Section 844(i).

COUNT TWO: [(18 U.S.C. § 924(c)(1)]

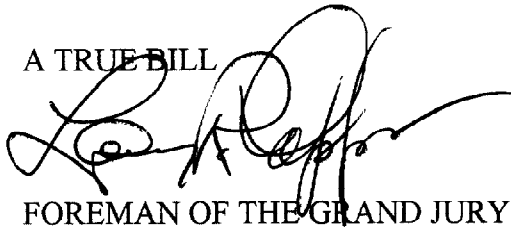
The Grand Jury charges:

That on or about the 29th day of January, 1998, within the Northern District of Alabama, the defendant,

ERIC ROBERT RUDOLPH,

knowingly used a firearm, that is a destructive device, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is the bombing described in Count One above, in violation of Title 18, United States Code, Section 924(c)(1).

A TRUE BILL



FOREMAN OF THE GRAND JURY

G. DOUGLAS JONES
United States Attorney



MICHAEL W. WHISONANT
Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

CRIMINAL COMPLAINT

FEB 14 1998

UNITED STATES OF AMERICA

[Signature]
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

v.

CASE NUMBER:

ROBERT ERIC RUDOLPH
a/k/a "BOB RANDOLPH"

MAG 98 - 03 51

CR-00-S-0422-5

We, the undersigned complainants being duly sworn state the following is true and correct to the best of our knowledge and belief, that on or about January 29, 1998, in Jefferson County, in the Northern District of Alabama, defendant did maliciously damage and attempt to damage by means of an explosive a building used in interstate commerce or in any activity affecting interstate commerce, resulting in the death of a person, in violation of Title 18, United States Code, Section 844(i).

We further state that we are Special Agent Larry A. Long with Federal Bureau of Investigation and Special Agent Ronald T. Baughn with the United States Treasury Department, Bureau of Alcohol, Tobacco, and Firearms, that this complaint is based on the following facts:

See Attached Affidavit

[Signature of Larry A. Long]

Signature of Affiant
Larry A. Long

[Signature of Ronald T. Baughn]

Signature of Affiant
Ronald T. Baughn

Sworn to before me and subscribed in my presence,

February 14, 1998 at
Date

Birmingham, Alabama
City and State

T. MICHAEL PUTNAM
United States Magistrate Judge

[Signature of T. Michael Putnam]

Signature of Judicial Officer *U.S.M.J.*

AFFIDAVIT

We, Larry A. Long and Ronald T. Baughn, do hereby depose and say as follows:

1. Larry A. Long, has been a Special Agent with the Federal Bureau of Investigation ("FEDERAL BUREAU OF INVESTIGATION") for 28 years. He is presently assigned to the Birmingham, Alabama Field Office, and for the past 2 years has investigated matters of national security and domestic terrorism. Ronald T. Baughn has been a Special Agent with the United States Treasury Department, Bureau of Alcohol, Tobacco & Firearms ("BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS") for 31 years and is a Certified Fire Investigator and Certified Explosives Specialist. Baughn is permanently assigned to BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS's National Response Team, and has been involved in the investigation of in excess of 10 bomb scenes. Over the last ten years Baughn has participated in the training of over 500 federal, state, and local officers in post-blast investigations, and has detonated explosives in training scenarios and disposal operations. We are aware of the information contained in this affidavit from our personal investigation and from information furnished to us by other federal, state, and local law enforcement officers personally involved in this investigation.

2. The information set forth in the paragraphs below is personally known to us or has been told to us by other federal, state, and local law enforcement officers. This affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant for Eric Robert Rudolph, a/k/a Bob Randolph; therefore, we have not included each and every fact known to us concerning this investigation. We have set forth only the facts we believe are necessary to

establish probable cause to believe that evidence exists of the malicious damaging of a building used in and affecting interstate commerce by explosives in which a death results, in violation of Title 18 Section 844(i).

Detonation of the Bomb

3. At approximately 7:32 a.m. on the morning of Thursday, January 29, 1998, an explosive device detonated in front of the New Woman All Women Health Care clinic (hereafter NWA), located at 1001 17th Street South, in Birmingham, Alabama (in the Northern District of Alabama). The NWA is a women's health center, that includes, among its services, reproductive health services, including legal abortions. The employees of NWA report that the NWA serves patients from Alabama and other states. The NWA also uses supplies and equipment which are manufactured in other states or that have traveled in interstate commerce.

4. When the device detonated, Robert D. Sanderson, a Birmingham Police Officer, was fatally injured. The clinic's head nurse, Emily Lyons, was seriously injured.

5. On-site analysis by BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS forensic chemist Edward Bender determined the device contained commercial high explosives. Evidence found at the scene of the blast and in the body of Officer Sanderson include (either intact or fragmented) nails, battery(ies), wires, a possible clockwork mechanism, green plastic and residue of an explosive. Electrical wire fragments were also recovered at the scene.

6. Carolyn R. Reck-Owens, an Explosives Enforcement Officer with the BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, participated in the examination of physical evidence collected to date from the scene and has also reviewed the damage to the building at 1001 17th Street, South. Her opinion, based on 21 years of military and civilian experience in the field of

explosives, is that the effects of the blast are consistent with those caused by an improvised explosive device (IED) which had functioned.

7. At approximately 7:30 a.m. on Thursday, January 29, 1998, Witness Number 1 (WN-1),¹ whose identity is known to the Affiants, was one block away to the south and west of the site of the explosion. WN-1 heard an explosion and looked out a window in the direction of the Clinic toward the direction of the explosion and observed a cloud of smoke. WN-1 saw a white male walking quickly in a southwesterly direction across Rast Park near 17th Street South, away from the area of the blast. WN-1's attention was drawn to the white male because, unlike every other person WN-1 could observe in the area, the white male was not looking at or moving toward the blast area and was walking away from the blast area. WN-1 described the white male at this point as approximately 6' 1" tall, 175 pounds, between the ages of 34 and 42, with shoulder-length brown hair, wearing a thigh-length coat, dark trousers, a black fitted baseball hat and carrying a black knapsack which appeared to be empty. Based on the white male's behavior, WN-1 concluded the white male might have had some connection to the explosion and WN-1 followed him.

8. WN-1 immediately entered WN-1's vehicle. WN-1 traveled east a short distance to 16th Street South, and turned south which was in the general direction WN-1 observed the white male walking. WN-1 spotted the white male walking south and followed him on 16th Street South, to an alley between 14th and 15th Avenue South, which was approximately five blocks away from the clinic. WN-1 observed the white male enter the alley from the west and as he did

¹ Witnesses are referred to as WN-1 through WN-4, because of concern for their safety. They are not confidential informants, they are simply witnesses to a crime. Your Affiants have no reason to doubt their credibility.

so, WN-1 saw him reach into his right front pocket and remove something that appeared to be “balled up.” WN-1 did not follow the white male into the alley, but proceeded south to the end of the block and then turned east onto 15th Avenue South, where WN-1 drove in front of an apartment complex. Shortly thereafter, WN-1 observed a white male wearing sunglasses walking eastbound on the sidewalk from the west side of the apartment complex on 15th Avenue South. WN-1 recognized this white male as the same white male that WN-1 had followed earlier. The white male had apparently changed some of his clothing and appearance. The white male was no longer wearing a jacket or a baseball cap. His hair was brown or black, but appeared shorter and more pressed down. The white male still carried a black backpack which appeared to be empty. He was also carrying a large blue shopping-type bag which appeared to be full but not heavy.

9. WN-1 followed the white male east on 15th Avenue South where it turned into 18th Street South. WN-1 at this time attempted to stop motorists in an effort to gain assistance. WN-1 attracted the attention of a person in the area. WN-1 asked her to call the police, give them WN-1's location, and tell them that WN-1 was following a man that might have had something to do with the explosion. At this point WN-1 lost contact with the white male, whom WN-1 had last seen at 15th Avenue South, and 18th Street South. 15th Avenue South is the last or next to last roadway which runs parallel to the base of Red Mountain, atop of which sits Vulcan Park. Vulcan Park consists of the Vulcan statue, a gift shop, overlook decks and parking area.

10. At this point, WN-1 drove around the area for several minutes attempting to locate the white male. WN-1 eventually traveled south on 20th Street South, which rises and runs partially around and through Red Mountain, on which is located Vulcan Park. WN-1 stopped and entered a McDonald's Restaurant at 2001 20th Street South. WN-1 asked for permission to

use an office telephone to report WN-1's sighting of a possible suspect in the explosion to a 911 operator. WN-1 contacted a 911 operator and reported what WN-1 had seen. While speaking, WN-1 looked out the front of the McDonald's Restaurant across 20th Street South and observed the same white male WN-1 had been following earlier. At this point the white male was walking south on 20th Street South, along the roadside in the direction of Valley Avenue, which intersects with 20th Street South.

11. At this sighting, WN-1 excitedly declared that the white male was the one WN-1 had followed earlier. Although his description varied somewhat, WN-1 stated that the white male was the same person he had followed. A customer in the McDonald's Restaurant, Witness Number 2 (WN-2), whose identity is known to the Affiants, saw the white male, and called out a physical description to WN-1 as he was on the telephone. WN-1 repeated the description given to WN-1 by WN-2 to the 911 operator.

12. WN-2 described the person he saw as a white male, 5' 11" to 6' tall, approximately 180 pounds, collar-length dark hair, approximately 35 years old, wearing a black baseball cap, a green and black plaid short-sleeve shirt layered over a long-sleeve black shirt and wearing a black backpack which appeared full. WN-2 stated that the white male he observed appeared to be trying to conceal his face in that he was wearing a cap and sunglasses on a day which was not bright or sunny and because the white male had pulled the ball cap low on his face.

13. WN-1 and WN-2 both observed the white male turn to his right to the west along a trail or path into a wooded area. According to WN-2, it appeared that the white male knew where he was going since there was only a small trail and it was unmarked. At that time, two Birmingham police officers, responding to WN-1's call to 911, arrived at the McDonald's

Restaurant. WN-2 briefly apprised the officers of what WN-2 and WN-1 had observed. The officers proceeded across 20th Street South, to a road leading southwest to Vulcan Park. WN-1 and WN-2 each entered their vehicles and attempted separately to locate the white male by driving west along Valley Ave.

14. WN-2 drove west along Valley Avenue in the general direction in which the white male had last been seen walking. WN-2 saw no one walking along Valley Avenue. WN-2 drove to the intersection at Beckham Drive approximately .3 mile west of the intersection with 20th Street South, at which point he turned right and noticed a white male wearing a ballcap standing behind a gray Nissan pickup truck with a camper shell. When WN-2 pulled up alongside the pickup, the white male moved to the opposite side of the truck. WN-2 stated that WN-2 was unable to positively state that the person he saw walking in front of the McDonald's Restaurant is the same person he saw in the pickup truck. WN-2 believed that the white male at the pickup was the same person he saw walking in front of McDonalds Restaurant in that the white male was similarly dressed and appeared to be the only other person in the vicinity at the time. The white male appeared to be placing something in the back of the truck, which was parked along the east side curb of the street facing Valley Avenue. WN-2 pulled past the truck onto the next street where WN-2 made a U-turn and observed the white male enter the truck and drive to the traffic signal at the intersection with Valley Ave. WN-2 pulled directly behind the pickup truck as it waited for the light to change. At this point WN-2 recorded the license plate of the pickup truck as North Carolina license plate, number KND1117. WN-2 followed the pickup truck as it turned left (east) on Valley Avenue until it stopped at the intersection at 20th Street South. WN-2 pulled alongside the vehicle and made eye contact with the white male driving the vehicle. The white

male was not wearing sunglasses at this time. While at the intersection of Valley Avenue and 20th Street South, WN-2 noticed Birmingham police officers driving back down from the road leading to Vulcan Park. WN-2 left WN-2's position from beside the pickup to drive across Valley Avenue to the officers to tell them that WN-2 had located the white male. As WN-2 did so, WN-2 observed the pickup truck turn right (south) onto 20th Street South. WN-2 did not see the white male again.

15. Subsequent to WN-2's original interview, WN-2 told an agent that he saw in the newspaper a photograph which he positively recognized as being that of the person who he had seen in the grey Nissan pickup truck on Valley Avenue on the day of the bombing. The newspaper photograph was labeled as being the photograph of Eric Robert Rudolph. Your Affiants know that photographs of Eric Robert Rudolph have been run in the Birmingham area newspapers identifying him as Eric Robert Rudolph in the caption of the photos since the bombing on January 29, 1998. WN-2 identified a photograph which had been run in a Birmingham newspaper referred to and observed in the news media was that of Eric Robert Rudolph.

16. WN-1 drove west on Valley Avenue a few moments after WN-2. As WN-1 neared the intersection in the vicinity of Valley Avenue and Beckham Drive, WN-1 observed a gray Nissan pickup with camper shell being driven the opposite direction on Valley Avenue. The gray Nissan pickup was driven by the same white male WN-1 had been following earlier. WN-1 made a U-turn and followed the pickup east on Valley Avenue. Near the intersection of Valley Avenue and 20th Street South, WN-1 pulled up beside and past the pickup so that WN-1 could observe and record the license plate number. WN-1 recorded the license number as North Carolina license plate, number KND1117. WN-1 was forced by traffic to pull around the pickup and turn right

(south) on 20th Street South, at which time WN-1 lost contact with the pickup.

Information Regarding the Registered Owner of the Vehicle

17. Alabama State Troopers traced North Carolina license plate number KND1117 to a vehicle registered to Eric Robert Rudolph, a white male, age 31, whose driver's license address was listed as 30 Allen Avenue, Asheville, North Carolina, when he obtained the license in 1991.

18. The North Carolina State Bureau of Investigations (NCSBI) advised that Rudolph had the following previous addresses in the last three years:

(a) 1414 Partridge Creek Road, Tipton, North Carolina
28781.

(b) Route 1, P.O. Box 106, Vengeance Creek Road, Marble, North Carolina.

19. NCSBI advised that the Vengeance Creek Road address was a house trailer.

20. A search of the NCSBI, Division of Criminal Information Records was made on February 3, 1998, regarding Rudolph's 1989 Nissan pickup truck. The records indicated that Rudolph's pickup truck had not been reported stolen.

21. Rudolph's North Carolina driver's license number is 8814120 and shows that he is a white male with blue eyes and brown hair, 5' 11" tall, date of birth September 19, 1966.

22. Law enforcement officers in Hendersonville, North Carolina, spoke with WN-3, whose identity is known to Affiants. WN-3 advised that WN-3 was related to Eric Robert Rudolph. WN-3 advised that WN-3 had last seen Rudolph on Saturday, January 24, 1998, between 4:00 and 5:00 p.m., Eastern Standard Time (EST). WN-3 advised that Rudolph was driving Rudolph's gray truck which had a camper shell attached. WN-3 advised that Rudolph was secretive about where he resided. WN-3 said WN-3 believed Rudolph lived in Tennessee.

WN-3 said that Rudolph was unemployed and that WN-3 saw him once or twice a month.

23. A material witness warrant for Eric Robert Rudolph was issued in the Northern District of Alabama on January 30, 1998. Since the issuance of the warrant there has been extensive local, regional, and national publicity relating to attempts by law enforcement to locate Rudolph. Numerous agents of the FEDERAL BUREAU OF INVESTIGATION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, and local law enforcement agencies have been searching continuously for Rudolph since the issuance of the material witness warrant. Rudolph has not been located by law enforcement. Members of his family have been contacted about Rudolph's whereabouts and they report they do not know his whereabouts nor have they been contacted.

24. On January 31, 1998, WN-4, whose identity is known to Affiants, told Special Agent Rick Jordan, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, WN-4 owned a single-wide mobile home located off Cane Creek Road, Murphy, North Carolina. The residence is located on a private unpaved road in Cherokee County, North Carolina. WN-4 advised that WN-4 rented the property to a white male who identified himself as Bob Randolph, or Bob Rudolph, on November 11, 1997. WN-4 stated that Randolph/Rudolph moved into the trailer on November 20, 1997. WN-4 advised that WN-4 rented only to Randolph/Rudolph and knows he lived in the trailer alone.

25. On January 31, 1998, WN-4 was shown copies of photographs of Eric Robert Rudolph and WN-4 identified the individual in the displayed photograph as Bob Randolph/Rudolph, who was the tenant who rented WN-4's mobile home on Cane Creek Road in Murphy, North Carolina in November 1997.

26. On February 4, 1998, the mobile home rented by Eric Robert Rudolph was searched pursuant to a search warrant. No visible explosives were found during the search. The search produced several items to which the explosive detection canine, Garrett indicated the presence of explosives, including but not limited to: a red tool box with miscellaneous tools, a turquoise baseball hat, a cushion from a rocking chair, sunglasses, some items of clothing, and a towel. These items have been sent to the BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS laboratory for examination. A portion of that analysis has been completed and is included in the Technical Information section below.

27. On the evening of February 7, 1998, the gray Nissan truck registered to Eric Robert Rudolph was found abandoned in a heavily wooded area outside Murphy, North Carolina. A search warrant was obtained on about February 8, 1998, for the truck. On February 9, 1998, the search warrant was executed. The agents found numerous items in the vehicle, including a "Bi-Lo" grocery bag, a "Bi-Lo" receipt with the time and date of 19:11 on January 30, 1998.

28. An examination of latent fingerprints found in the truck disclosed that all identifiable latent fingerprints belonged to Eric Robert Rudolph. A latent fingerprint was also found on the January 30, 1998, "Bi-Lo" receipt found in the truck. That fingerprint was identified as that of Eric Robert Rudolph.

29. A check of the National Firearms Registration and Transfer Record initiated by Assistant Special Agent in Charge, Larry Murray with the Bureau of Alcohol, Tobacco and Firearms in Atlanta, Georgia, revealed that there are no explosive devices registered to Eric Robert Rudolph.

Technical Information

30. Based on training, experience, and discussions with Carolyn R. Reck-Owens, an Explosives Enforcement Officer with the BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, who has also been in contact with Richard A. Strobel, the Director of the Explosives Section of the BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS laboratory in Rockville, Maryland, and experts within that laboratory, we know the following:

(a) In the construction and testing of bombs, residues of various sizes, from microscopic traces to larger pieces, are created. Such residues, which include chemicals and compounds contained in and traceable to explosives, may adhere to clothing and other surfaces, including walls, baseboards, the flooring under carpets, and items that have been handled by persons who have handled explosives, and the residues may remain there for many months and even years, depending on the conditions. These residues may be detected using sensitive equipment. Such residues may also be found on or in the clothing, hands, fingernails, hair, and blood of persons who have been in proximity to commercial high explosives.

(b) Ethylene Glycol Dinitrate (EGDN) is the primary explosive ingredient in nitroglycerine based dynamite. EGDN is an explosive in and of itself and is used as a replacement and/or freezing point depressant for nitroglycerine. The finding of EGDN confirms the presence of dynamite as the explosive used in the bombing. The finding of EGDN on items in a vehicle or residence demonstrates primary or secondary contact with dynamite. Specifically, either dynamite was present at that location or dynamite residue was transferred to those locations via contact with someone or something contaminated by dynamite.

(c) EGDN was identified on the following items recovered from the bombing

scene at 1001 17th Street, South, Birmingham, Alabama:

1. soil sample from blast seat; and
2. fabric found at blast seat crater area.

(d) EGDN was identified on the following items seized during the search of

Eric Rudolph's trailer:

1. towel taped to bottom of doorway in master bedroom;
2. baseball type hat, turquoise/black in color found atop the dresser in the master bedroom; and
3. cushion from rocking chair in master bedroom.

(e) EGDN was identified on the following items seized during the search of

Eric Rudolph's gray Nissan truck:

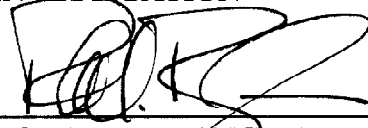
1. steering wheel cover; and
2. brown paper "Bi Lo" shopping bag from box in truck bed area.

Conclusion

31. Based on these observations, the information and forensic evidence discussed above, and the reasonable inferences to be drawn therefrom, there is probable cause to believe that evidence exists for the violation of Title 18 Section 844(i), to wit: the malicious attempt to damage and the damaging of a building used in and affecting interstate commerce by explosives in which a death resulted.

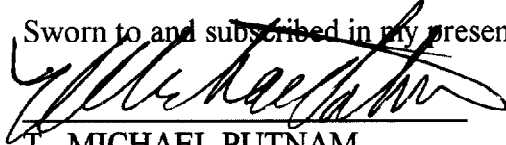


LARRY A. LONG
Special Agent, FEDERAL BUREAU OF
INVESTIGATION



RONALD T. BAUGHN
Special Agent, BUREAU OF ALCOHOL,
TOBACCO, AND FIREARMS

Sworn to and subscribed in my presence,



T. MICHAEL PUTNAM
United States Magistrate Judge

2/14/98
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

FEB 18 1998

IN RE: ERIC ROBERT RUDOLPH
DOB: 9/19/66

MAR 98 - 035

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

CR-00-S-0422-S

MOTION TO SEAL COMPLAINT AND AFFIDAVIT

Comes now the United States of America, by and through its counsel, G. Douglas Jones, United States Attorney, for the Northern District of Alabama, and Michael W. Whisonant, Assistant United States Attorney and hereby moves the Court to seal the Complaint and Affidavit filed on February 14, 1998, in the above-styled case until further notice, and therefore states as follows:

1. The investigation in the above-styled case is continuing and disclosure of the Affidavit at this time would jeopardize the safety of the agents and witnesses in this investigation.

For the above-stated reason, the United States moves the Court to seal the Complaint, Affidavit and the accompanying Order.

Respectfully submitted this the 14th day of February 1998.

G. DOUGLAS JONES
United States Attorney



MICHAEL W. WHISONANT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT

FILED

FOR THE NORTHERN DISTRICT OF ALABAMA

18 1998

IN RE: ERIC ROBERT RUDOLPH
DOB: 9/19/66

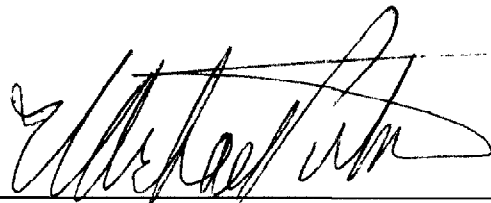
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MAG 98-035

ORDER

CR-00-S-0422-S

The Court, upon due consideration of the Government's Motion to Seal Complaint and Affidavit in the above-styled case, and for good cause shown, hereby ORDERS that the Complaint and Affidavit and accompanying Order in the above-styled case be sealed for the duration of the investigation or until further notice is given.

Done this the 14th day of February 1998.



T. MICHAEL PUTNAM
UNITED STATES MAGISTRATE JUDGE